

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 24, 2005

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Broadsword, absent and formally excused by the Chair; and Senators McKenzie, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Daniel Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 24, 2005

The JUDICIARY AND RULES Committee reports that **S 1161** and **SCR 113** have been correctly printed.

DARRINGTON, Chairman

S 1161 was referred to the State Affairs Committee.

SCR 113 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2005

The JUDICIARY AND RULES Committee reports that **SCR 106** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SCR 106** and ordered it transmitted to the House for the signature of the Speaker.

February 23, 2005

The JUDICIARY AND RULES Committee reports that **S 1036**, as amended, and **S 1068**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1036, as amended, and **S 1068**, as amended, were filed for first reading.

February 23, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1036** and **S 1068** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 23, 2005

The JUDICIARY AND RULES Committee reports out **S 1100** and **S 1135** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1100 and **S 1135** were filed for second reading.

February 23, 2005

The HEALTH AND WELFARE Committee reports out **S 1140** and **S 1153** with the recommendation that they do pass.

COMPTON, Chairman

S 1140 and **S 1153** were filed for second reading.

February 24, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 103** with the recommendation that it do pass.

BUNDERSON, Chairman

H 103 was filed for second reading.

The Senate advanced to the Seventh Order of Business.

Reports of Special Committees

February 17, 2005

Jeannine Wood
Secretary of the Senate
Idaho State Senate

Dear Madam Secretary:

At the request of Senator Jack Noble, I have appointed a Committee on Ethics, pursuant to Senate Rule 53. The following Senators will serve on this committee:

Senator Brent Hill, Chairman
Senator John Goedde
Senator Hal Bunderson
Senator Bert Marley
Senator Kate Kelly
Senator Edgar Malepeai

Please spread the appointment of this committee on the pages of the Journal.

Sincerely,
/s/ Robert L. Geddes
President Pro Tempore

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 24, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roderic W. Lewis of Eagle, Idaho, was appointed as a member of the Idaho State Board of Education to serve a term commencing March 1, 2005, and expiring March 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator McKenzie was recorded present at this order of business.

February 23, 2005

Mr. President:

I transmit herewith **H 49**, as amended, **H 63**, as amended, **H 85**, as amended, **H 145**, as amended, **H 89**, **H 90**, **H 117**, **H 118**, and **H 119** which have passed the House.

JUKER, Chief Clerk

H 49, as amended, **H 63**, as amended, **H 85**, as amended, **H 145**, as amended, **H 89**, **H 90**, **H 117**, **H 118**, and **H 119** were filed for first reading.

February 23, 2005

Mr. President:

I transmit herewith Enrolled **HCR 6** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 6** and ordered it returned to the House.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senators Pearce and Sweet were recorded present at this order of business.

**S 1162
BY FINANCE COMMITTEE
AN ACT**

RELATING TO ENDOWMENT DISTRIBUTIONS; APPROPRIATING ADDITIONAL MONEYS FOR THE GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2005; REDUCING THE APPROPRIATION FOR THE GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2005; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2005; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2005; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2005; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION

FOR FISCAL YEAR 2005; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF FAMILY AND COMMUNITY SERVICES FOR FISCAL YEAR 2005; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF FAMILY AND COMMUNITY SERVICES FOR FISCAL YEAR 2005; AMENDING SECTION 4, CHAPTER 195, LAWS OF 2004, TO REVISE LEGISLATIVE INTENT REGARDING TRANSFERS BY THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2005; AND DECLARING AN EMERGENCY.

S 1162 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1036, as amended, and **S 1068**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

H 49, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 63, as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 85, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 145, as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 89, H 90, H 117, H 118, and H 119, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1084, S 1110, and S 1127, by Transportation Committee, were read the second time at length and filed for third reading.

H 126, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1112, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1106, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 46 and H 47, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1114, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1074, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Schroeder, Stegner, Stennett, Werk. Total - 24.

NAYS--Bunderson, Burtenshaw, Davis, Geddes, Hill, McKenzie, Noble, Pearce, Richardson, Sweet, Williams. Total - 11.

Paired and voting included in roll call:

AYE - Broadsword NAY - Davis

Total - 35.

Whereupon the President Pro Tempore declared **S 1074**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1120 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Burkett, Gannon. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1120** passed, title was approved, and the bill ordered transmitted to the House.

S 1137 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1137** passed, title was approved, and the bill ordered transmitted to the House.

H 66 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 66** passed, title was approved, and the bill ordered returned to the House.

H 51 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 51** passed, title was approved, and the bill ordered returned to the House.

H 59 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Burkett, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Bunderson, Corder, Williams. Total - 3.

Absent and excused--Broadsword, Noble. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 59** passed, title was approved, and the bill ordered returned to the House.

H 91 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk, Williams. Total - 27.

NAYS--Davis, Little, Pearce, Stegner, Sweet. Total - 5.

Absent and excused--Brandt, Broadsword, Noble. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 91** passed, title was approved, and the bill ordered returned to the House.

H 24 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 24** passed, title was approved, and the bill ordered returned to the House.

H 39 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 39** passed, title was approved, and the bill ordered returned to the House.

H 22 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Broadsword. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 22** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 126** was placed at the head of the Third Reading Calendar, followed by Senate bills, followed by the remaining House bills.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Little, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 10:30 a.m., Friday, February 25, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary